

Progress Report 3/14/12-9/11/12

Project #09-1277, Qwuloolt Estuary Restoration - Construction

Submitted by Elizabeth Butler on 09/11/2012

Accepted by Elizabeth Butler on 09/11/2012

CONTACTS

Primary Sponsor: Tulalip Tribe

Lead Entity: Snohomish County LE

Managing Agency: Rec. and Conserv. Office

Project Contact: Kurt Nelson
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Alt Project Contact: Josh Meidav
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RCO Grant Manager: Elizabeth Butler
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COSTS TO DATE

Project Start Date: 10/16/2009

Original End Date: 01/01/2012

FundingEnd Date: 09/30/2012

Funding Formula:	Requested		Original		Current	
Aquatic Lands Enhancement Acct:	\$0.00	(0%)	\$0.00	(0%)	\$456,780.05	(48%)
Puget Sound Acq. & Restoration:	\$500,000.00	(85%)	\$500,000.00	(85%)	\$500,000.00	(52%)
Sponsor Match:	\$90,000.00	(15%)	\$90,000.00	(15%)	\$0.00	(0%)
Total:	\$590,000.00	(100%)	\$590,000.00	(100%)	\$956,780.05	(100%)

Paid To Date: \$224,585.40
Remaining RCO Funds: \$732,194.65
Advance Balance: \$0.00

Match Bank: \$3,762.68

Admin Limit: \$0.00
A&E Limit: \$0.00
Admin Spent: \$0.00
A&E Spent: \$39,396.96 4.11%

Last Released Billing: 09/11/2012

Pending Billing: No

Number of Billings: 3

AMENDMENTS

#	Type	Applied Date	Description
4	Special Conditions Change	07/18/2012	Completion of the earlier project, Qwuloolt Estuary Phase II Design (07-1624), was significantly delayed. In order to facilitate closing the 07-1624 project agreement with submittal of 95% Designs, a special condition for completion of the Qwuloolt Estuary restoration final design deliverables is added to this project agreement.
3	Cost Change	03/07/2012	This PSAR funded project provides the primary source of match for the ALEA funded project No. 06-1604 "Qwuloolt Estuary Restoration and Trail" and is similar in scope and schedule. In order to streamline contracting, this amendment will integrate No. 06-1604 into No. 09-1277 by aligning the scope of work and increasing the agreement amount by \$456,780.05 of unspent ALEA program funds, bringing the project agreement to total \$956,780.05 in funding.
2	Scope Change	01/25/2012	The project scope is changed to remove the levee breach and second year west levee construction, and to add channel restoration with riparian planting.
1	Time Extension	12/06/2011	The project period of 10/16/2009 to 01/01/2012 is extended to allow the contracting party until 09/30/2012 to complete the project.

PROGRESS REPORT QUESTIONS

#	Question	Answer	Answer Description
1 of 4	Are there any significant challenges that might hinder progress or keep you from meeting your project milestones? If so, please tell us about them.	Yes	<p>The project has faced numerous delays beyond the control of the Tulalip Tribes. Challenges have included the USACOE certification and review process, as well as more recent design challenges surrounding City of Marysville requests for changes to stormwater elements.</p> <p>We do request a time extension (Attach #45) through Sept 30, 2013 to accommodate delays and enable completion of the Ph I construction. While we can't commit to completing the scope earlier than that, by June 30, 2013 we do expect to have fully expended funding, and will be able to submit requests for full reimbursement. The 10% retainage could then be released when the project is completed in Sept, 2013.</p>
2 of 4	Describe the work accomplished during this reporting period.		<p>Much progress has been made in recent months. The work accomplished during this period includes:</p> <ul style="list-style-type: none"> -Developed 100% design plan set for the setback levee and breach; channels, berms, and other elements. -Developed a levee fill processing and transport bid, and selected the contractor; beginning levee fill processing. -Addressed and resolved permitting, real estate, agency, landowner, and other stakeholder issues regarding the project. -Developed bid documents and solicited bids. - USACOE is reviewing construction bids. The lowest bid came in significantly below USACOE estimates, indicating that the \$2 million available Corps funding will stretch to nearly complete the entire construction project (Ph 1 + most of Ph 2).
3 of 4	Do you anticipate any changes to your project? Please describe those changes here.	Yes	<p>City of Marysville and USACOE are negotiating final design changes to stormwater treatment facility in northwest section of project area.</p> <p>The City's analysis suggested that there could be back-flooding problems in the storage facility effecting the industrial park. The pond may be resized to accommodate higher flows, or the outflow elevations adjusted. USACOE is nearly finished with their analysis to inform these design adjustments.</p>
4 of 4	Tell us about work planned for the next reporting period.		<p>The USACOE expects to select the successful bidder by September 24, 2012. Once selected, USACOE will seek appropriation for the balance of the cost share necessary to complete Ph 2. Construction start depends on resolution to easement negotiations between the City of Marysville and USACOE, which are nearly complete. First phase of construction (yr 1 setback levee setback, Allen Creek realignment, wave attenuation berms) should commence in early October 2012 and will be completed by end of Sept 2013. Second (and final) phase of construction (including the levee breach) is expected to be completed in the fall of 2013, outside of the scope of this grant agreement</p>

MILESTONES

Milestone	Target Date	Description	Completed	Delayed	New Target Date	Progress/Reason for Delay
Project Start	10/16/2009		X			
Cultural Resources Complete	10/16/2009	Completed in 2008	X			
Applied for Permits	03/01/2010	Federal permits were submitted in 2009	X			
Progress Report Submitted	03/15/2011		X			
Annual Project Billing	03/15/2011	and at least once per year thereafter	X			
Progress Report Submitted	09/30/2011		X			
Progress Report Submitted	03/16/2012		X			
RFP Complete/Consultant Hired	05/30/2012	was 07/01/2011	X			Contractor for levee fill processing has been chosen and is currently operating, Contractor for internal site elements has been chosen. Contractor for levee construction was selected by USACOE on 8-31-12
Permits Complete	05/31/2012			X	09/21/2012	Delays in final design process. HPA (JARPA), EPA Construct. Gen Permit, Grading, and Haul Permits to be completed within next 8 days.
Bid Awarded/Contractor Hired	06/28/2012			X	09/24/2012	Contractor for fill processing chosen and operating. Contractor for internal site elements has been chosen. Contractor for levee construction awarded on 8-31-12.
Restoration Started	07/12/2012			X	10/01/2012	Delays caused by design delays, cascading effects on contract execution, haul/grading permits from City of Marysville, JARPA from Washington State, Const. Gen. Permit from EPA.
Annual Project Billing	07/31/2012		X			
Progress Report Submitted	07/31/2012		X			
Agreement End Date	09/30/2012			X	09/30/2013	Due to design and contracting delays.
Final Report in PRISM	09/30/2012			X	09/30/2013	Due to design and contracting delays.
Stewardship Plan to RCO	09/30/2012			X	06/30/2013	Due to design and contracting delays.
Restoration Complete	09/30/2012			X	09/30/2013	Due to design and contracting delays.
Progress Report Submitted	10/19/2012			X	12/31/2012	This will be based on work completed through Fall 2012 and Winter 2013.
Final Billing to RCO	12/31/2012			X	06/30/2013	Due to design and contracting delays.
Final Design to RCO	12/31/2012				09/30/2013	The 95% designs have already been submitted to the RCO via post. 100% designs are too large to upload.

PERMITS

Type	Applied Date	Received Date	Expiration Date	Permit Number	Comments
Clear & Grade Permit	08/01/2012			G12-0023 and C	Expect approval by 9/15/12.
Cultural Assessment [Section 106]		12/9/2008		120808-24-COE	Survey in 2006 and 2008. Determination of No Historic Properties Affected.
Dredge/Fill Permit [Section 10/404 or 404]	05/28/2010	11/16/2010		NWS-2010-0075	
Endangered Species Act Compliance [ESA]		1/12/2009		13410-2009-I-01	USFWS Fish Passage/Habitat Restoration Programmatic, NMFS Section 4(d) Limit Number 8 (Habitat Restoration)
Hydraulics Project Approval [HPA]	08/08/2012				Anticipate approval by 9/15/12.
SEPA	05/28/2010	6/29/2011			
Shoreline Permit	05/28/2010	8/2/2011			This permit was appealed, but permit was upheld 9/13/2011.
Water Quality Certification [Section 401]	12/24/2008	2/4/2009		PI-09-11	Ecology certifies that work complies with CWA and CZMA and State CZMP.

Permit Questions

#	Question	Answer	Answer Description
1 of 3	Any additional mitigation requirements? If so, please describe.	No	
2 of 3	Are there any additional permits required? If so, please describe.	No	
3 of 3	Tell us about your progress with securing your permits or ESA consultation.		We are expecting to receive the Haul, Grading, and Construction Permits this week from the City of Marysville (9/12 or soon thereafter). We are expecting to receive the HPA permit (JARPA process) by 9/15/12. We are expecting to receive the Construction General Permit from the EPA by 9/15/12 or earlier.